

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

In re REMICADE ANTITRUST LITIGATION	Civil Action
This document relates to: Direct Purchaser Actions	No. 18-cv-00303

PROPOSED ORDER

AND NOW, this ____ day of _____, 2018, upon consideration of the Motion of Defendants Johnson & Johnson and Janssen Biotech, Inc. to Seal Exhibit A to the Motion to Compel Individual Arbitration and Stay Proceedings, and any response thereto, it is hereby **ORDERED** that:

1. Defendants' Motion to Seal Exhibit A is **GRANTED**.
2. It is further **ORDERED** that Exhibit A to the Defendants Motion to Compel Individual Arbitration and Stay Proceedings is placed under **SEAL**.

BY THE COURT:

J. Curtis Joyner, J.

**UNITED STATES DISTRICT COURT
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In re REMICADE ANTITRUST LITIGATION	Civil Action
This document relates to: Direct Purchaser Actions Defendants.	No. 18-cv-00303

**DEFENDANTS' MOTION TO SEAL EXHIBIT A TO THE MOTION TO
COMPEL INDIVIDUAL ARBITRATION AND STAY PROCEEDINGS**

Pursuant to Local Rule 5.1.5 and Federal Rule of Civil Procedure 5.2(d), Defendants Johnson & Johnson and Janssen Biotech, Inc. (collectively, "Defendants") hereby move this Court to file Exhibit A to the Motion to Compel Individual Arbitration and Stay Proceedings under Seal. In support thereof, Defendants rely on the accompanying memorandum of law.

Dated: April 9, 2018

By: /s/ Leslie E. John
Leslie E. John (PA Id. No. 62290)
Matthew I. Vahey (PA Id. No. 315920)
BALLARD SPAHR LLP
1735 Market Street, 51st Floor
Philadelphia, PA 19103
Tel: (215) 665-8500
john@ballardspahr.com
vaheym@ballardspahr.com

William F. Cavanaugh (admitted *pro hac vice*)
Adeel A. Mangi (admitted *pro hac vice*)
Jonathan H. Hatch (admitted *pro hac vice* pending)
Jamison Davies (admitted *pro hac vice*)
PATTERSON BELKNAP WEBB & TYLER
LLP
1133 Avenue of the Americas

New York, NY 10036-6710
Tel: (212) 336-2000
wfcavanaugh@pbwt.com
aamangi@pbwt.com
jhatch@pbwt.com
jmdavies@pbwt.com

Thomas O. Barnett (*pro hac vice*
forthcoming)
Ashley E. Bass (*pro hac vice*
forthcoming)
COVINGTON & BURLING LLP
850 Tenth Street, NW
Washington, DC 20001-4956
Tel: (202) 662-6000
tbarnett@cov.com
abass@cov.com

*Counsel for Johnson & Johnson and
Janssen Biotech, Inc.*

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

In re REMICADE ANTITRUST LITIGATION	Civil Action
This document relates to: Direct Purchaser Actions Defendants.	No. 18-cv-00303

**MEMORANDUM OF LAW IN SUPPORT OF DEFENDANTS’
MOTION TO SEAL EXHIBIT A**

Pursuant to Local Rule 5.1.5 and Federal Rule of Civil Procedure 5.2(d), Defendants Johnson & Johnson and Janssen Biotech, Inc. (collectively “Janssen”) hereby move this Court to file Exhibit A to the Motion to Compel Individual Arbitration and Stay Proceedings under Seal. Exhibit A is a Distribution Agreement between JOM Pharmaceutical Services, Inc. and Plaintiff Rochester Drug Cooperative, Inc. It should be filed under seal because it contains trade secrets and confidential business information which, if disclosed, could prejudice Janssen’s business opportunities and cause competitive injury.

Federal Rule of Civil Procedure 5.2(d) provides that a court may issue an order that documents be filed, unredacted, under seal. Additionally, Local Rule 5.1.5 gives the Court discretion to order documents sealed. *See also* E.D. Pa. R. Civ. P. 5.1.2(12)(c) (“In connection with the electronic filing of any material, any person may apply by motion for an order limiting electronic access to, or prohibiting the electronic filing of, certain specifically identified materials on the grounds that such material is subject to privacy interests and that electronic access . . . is likely to prejudice those privacy interests.”).

To obtain an order sealing or redacting judicial records, the moving party must show “good cause” for granting the motion. *Pansy v. Bor. of Stroudsburg*, 23 F.3d 772, 786 (3d Cir. 1994). In the Third Circuit, documents containing parties’ trade secrets and confidential business information may be sealed if disclosure “might harm a litigant’s competitive standing.” *Leucadia, Inc. v. Applied Extrusion Tech., Inc.*, 998 F.2d 157, 166 (3d Cir. 1993); *see also* Fed. R. Civ. P. 26(c)(1)(G) (specifying that protection of “a trade secret or other confidential research, development, or commercial information” is one situation that can warrant a protective order).

The Distribution Agreement at issue here governs Rochester’s purchases from JOM Pharmaceuticals Services, Inc., which is a Johnson & Johnson entity that handles distributor contracting on behalf of Janssen. Janssen seeks to file the Distribution Agreement under seal because this document contains highly confidential and proprietary business information, such as pricing terms, service fees, and annual purchase requirements, which, if disclosed, could prejudice Janssen’s business opportunities and cause competitive injury. Janssen has therefore established good cause for sealing the Distribution Agreement.

CONCLUSION

For the foregoing reasons, Janssen respectfully requests this Court grant this Motion and place Exhibit A to the Motion to Compel Individual Arbitration and Stay Proceedings under seal.

Dated: April 9, 2018

Respectfully Submitted,

By: /s/ Leslie E. John
Leslie E. John (PA Id. No. 62290)
Matthew I. Vahey (PA Id. No. 315920)
BALLARD SPAHR LLP
1735 Market Street, 51st Floor
Philadelphia, PA 19103
Tel: (215) 665-8500
john@ballardspahr.com

vaheym@ballardspahr.com

William F. Cavanaugh (admitted *pro hac vice*)

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Jamison Davies (admitted *pro hac vice*)

PATTERSON BELKNAP WEBB & TYLER
LLP

1133 Avenue of the Americas

New York, NY 10036-6710

Tel: (212) 336-2000

wfcavanaugh@pbwt.com

aamangi@pbwt.com

jhatch@pbwt.com

jmdavies@pbwt.com

Thomas O. Barnett (*pro hac vice*
forthcoming)

Ashley E. Bass (*pro hac vice*
forthcoming)

COVINGTON & BURLING LLP

850 Tenth Street, NW

Washington, DC 20001-4956

Tel: (202) 662-6000

tbarnett@cov.com

abass@cov.com

*Counsel for Johnson & Johnson and
Janssen Biotech, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on April 9, 2018, I electronically filed the foregoing brief in support of Defendants' Motion to Seal Exhibit A to the Motion to Compel Individual Arbitration and Stay Proceedings using the CM/ECF system, which will send notification of such filing to all parties of record.

/s/ Leslie E. John